

APR-18-2008 13:15 From:BSTZ

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P.1/15

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Deliver to: Juan A. Torres, USPTO Art Group: 2611
 Facsimile No.: (571) 273-8300 Date: April 18, 2008
 From: Brent E. Vecchia, Reg. No. 48,011
 Our Docket No.: 42P11621C Number of pages 15 including this sheet.
 Application No.: 10/759,634 Filing Date: 1/16/2004
 Docket Due Date(s): 6/20/2008

Enclosed are the following documents:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amendment: <u>After Final</u> (<u>10</u> pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (<u> </u> pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application: <u> </u> | <input type="checkbox"/> Petition for: <u> </u> |
| <u> </u> (<u> </u> pgs) w/cover & abstract) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs) | <input type="checkbox"/> Reply Brief (<u> </u> pgs) |
| <input checked="" type="checkbox"/> Certificate of Facsimile <u> </u> | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Declaration & POA (<u> </u> pgs) | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures | <input type="checkbox"/> Response to Written Opinion (<u> </u> pgs) |
| <input type="checkbox"/> Extension of Time: <u> </u> | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> IDS & PTO/SB/08 (<u> </u> pgs) | <input checked="" type="checkbox"/> Transmittal Letter |
| <input checked="" type="checkbox"/> Other: <u>Comments on Statement of Reasons for Allowance</u> | |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

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Wendi Lou Rostan
 Wendi Lou Rostan

4/18/2008
 Date

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application No.	10/759,634	
	Filing Date	January 16, 2004	
	First Named Inventor	Daniel Richard Monroe	
	Art Unit	2611	
	Examiner Name	Juan A. Torres	
Total Number of Pages in This Submission		15	
		Attorney Docket Number	42P11621C

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px;"> Comments on Statement of Reasons for Allowance & Facsimile Cover Sheet </div>
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011	
Signature	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	
Date	April 18, 2008	

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Typed or printed name	Wendy Lou Rostan		
Signature	<i>Wendy Lou Rostan</i>		
Date	April 18, 2008		

Based on: PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 1009/2007.
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FEE TRANSMITTAL for FY 2007 <small>Payer fees are subject to annual revision.</small>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	10/759,634
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	January 16, 2004
		First Named Inventor	Daniel Richard Monroe
		Examiner Name	Juan A. Torres
		Art Unit	2611
		Attorney Docket No.	42P11621C

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge fee(s) indicated below, except for the filing fee ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

FEE CALCULATION

1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
30	0	\$0.00	\$0.00
5	0	210.00	\$0.00

Multiple Dependent

Large Entity	Small Entity	Fee Description
Fee Code (S)	Fee Code (S)	
1202 30	1202 25	Claims in excess of 20
1201 240	1201 105	Independent claims in excess of 3
1203 370	1203 185	Multiple Dependent claim, if not paid
1204 810	1204 405	Multiple independent claims over original patent
1205 810	1205 405	Multiple claims in excess of 20 and over original patent
SUBTOTAL (1)		(S) 0.00

*For number previously paid, if greater. For Refusals, see below

2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1031 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
2059 130	2053 130	Non-English specification	
1251 130	2251 60	Extension for reply within first month	
1252 460	2252 230	Extension for reply within second month	
1253 1,060	2253 525	Extension for reply within third month	
1254 1,840	2254 825	Extension for reply within fourth month	
1255 2,240	2255 1,115	Extension for reply within fifth month	
1401 510	2401 255	Notice of Appeal	
1402 510	2402 255	Filing a brief in support of an appeal	
1403 1,030	2403 515	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1460 130	2460 130	Petitions to the Commissioner	
1607 50	1607 50	Processing fee under 37 CFR 1.17(c)	
1806 160	1806 160	Submission of Information Disclosure Sheet	
1809 810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)			
SUBTOTAL (2)		(S)	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	04/18/08

Based on PTO/USPTO 17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (14) 02/26/2007.
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APR 18 2008

**FEE TRANSMITTAL
for FY 2007***Patent fees are subject to annual revision.*☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application Number 10/759,634
 Filing Date January 16, 2004
 First Named Inventor Daniel Richard Monroe
 Examiner Name Juan A. Torres
 Art Unit 2611
 Attorney Docket No. 42P11621C

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☒ Credit any overpayments

☐ Charge fee(s) indicated below, except for the filing fee

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
FEE CALCULATION**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
35	41	\$0.00	\$0.00
3	6	210.00	\$0.00

Multiple Dependent

Large Entity	Small Entity	Fee Description
Fee Code (R)	Fee Code (R)	
1202 80	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 970	2203 155	Multiple Dependent claim, if not paid
1204 810	2204 405	Multiple independent claims over original patent
1205 810	2205 405	Reissue claims in excess of 20 and over original patent

SUBTOTAL (1)

(R) 0.00

**or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (R)	Fee Code (R)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 460	2252 230	Extension for reply within second month
1253 1050	2253 525	Extension for reply within third month
1254 1640	2254 820	Extension for reply within fourth month
1255 2280	2255 1115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 510	2402 255	Filing a brief in support of an appeal
1403 1030	2403 515	Request for oral hearing
1451 1510	2451 1510	Petition to institute a public use proceeding
1450 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)
1806 180	1806 180	Submission of Information Disclosure Sheet
1808 510	1809 425	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 810	2810 425	For each additional invention to be examined (37 CFR § 1.128(b))

Other fee (specify)

SUBTOTAL (2)

(R)

SUBMITTED BY

Name (Print/Type) Brent E. Vecchia

Registration No. (Attorney/Agent)

48,011

Complete (if applicable)

Telephone (303) 740-1980

Signature

Brent E. Vecchia

Date

04/18/08

 Based on PTO/SB-1 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 02/26/2007.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/759,634	Confirmation No.	: 1217
1 st Named Inventor	: Daniel Richard Monroe	Art Unit	: 2611
Filed	: 01/16/2004	Examiner	: Juan A. Torres
Docket No.	: 42P11621C	Customer No.	:

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE (37 CFR 1.104 (e))

As an initial matter, the undersigned would like to thank the Examiner for the search and review of the above-captioned application and the allowance of claims in the Final Office Action mailed on 3/20/08. The undersigned submits herein a statement commenting on the reasons for allowance and respectfully requests that this statement be made of record.

Statement Commenting on the Reasons for Allowance

The Examiner, in the statement of reasons for allowance, appears to have referenced limitations from allowed method claim 32. Only some but not all of the referenced limitations are found in the other allowed independent claims. The independent claims in which all of the referenced language is not found are understood to be allowable for reasons that were not articulated by the Examiner. Thus, the undersigned notes for the record that this Statement for Reasons of Allowance was not intended and should not be used to read non-existent limitations into the claims or to produce prosecution history estoppel. Rather, each claim should be construed to include only those limitations that are explicitly recited in the language of the claim.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 4/18/08

Brent E Vecchia
Brent E. Vecchia
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Sunnyvale, CA 94085-4040
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CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)

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Wendi Lou Rostan Date

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**RESPONSE UNDER 37 CFR § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2611****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. :	10/759,634	Confirmation No. :	1217
1 st Named Inventor :	Daniel Richard Monroe	Art Unit :	2611
Filed :	01/16/2004	Examiner :	Juan A. Torres
Docket No. :	42P11621C	Customer No. :	

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 20, 2008, the Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

CERTIFICATE OF TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.

Wendi Lou Rostan 4/18/08
Wendi Lou Rostan Date

App. No. 10/759,634
BEV/wlr

- 1 -

Dkt. No. 42P11621C